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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,736	12/28/2004	Giovanni Vertoni	163-592	9273
<div>7590 James V Costigan Hedman & Costigan 1185 Avenue of the Americas New York, NY 10036-2601</div>			<div>EXAMINER BELLINGER, JASON R</div>	
			<div>ART UNIT 3617</div>	<div>PAPER NUMBER</div>
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/21/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/519,736

Applicant(s)

VERTONI, GIOVANNI

Examiner

Jason R. Bellinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 2C. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-5 and 7-11 are objected to because of the following informalities: The term --a-- should be inserted prior to the term "guide" in line 11, and the term "a" should be removed prior to the term "box" in line 15, both for grammatical clarity.

The phrase "characterized in that" should be removed from claims 2-5 and 7-10, due to the fact that this phrase lacks any physical structure and does not further define the invention. . Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 7 is indefinite due to the fact that it is unclear whether the "track-tightener device" is the same as the "track-tightening device" as previously set forth in the claims, or is an additional element of the invention.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-2, 4-5, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. As best understood, Adams et al shows a track-tightening device for a crawler assembly. An undercarriage or bogie structure 24 includes elements for carrying a plurality of fixed lower supporting rollers 26, and an idler "back-pull" wheel 20. The structure 24 includes a housing guide system (namely the interaction of the structure 24 and the recoil assembly 30 as shown in Figure 2) for controlled axial sliding of the track-tightening device 30, which is carried by a second

movable structure 25. The structure 24 is box shaped. The second movable structure 25 includes fittings (namely the walls of cylinder 36) to interconnect with the guide system. The second movable structure 25 includes an idler wheel 18 and at least one movable supporting roller (unlabelled), and movably interacts with the structure 24 to modify the wheelbase between the idler wheel 18 and idler "pull-back" wheel 20 through axial sliding.

The supporting roller of the second movably structure 25 is capable of following the longitudinal movement of the idler wheel 18, so that the roller is in constant "contact" with the idler wheel 18, and thus the distance therebetween does not vary during the operating life of the vehicle under any operating condition or in any range of the tightening device 30. The second movable structure 25 carries two or more movable supporting rollers (as seen in Figure 1). The idler wheel 18 is a front wheel. The movably supporting rollers of the second movable structure 25 have the same dimensions and structure as that of the fixed lower supporting rollers 26.

The track-tightening device 30 is a tightener/shock absorber group having a helicoidal spring 42, which operates in extension, and a chamber 34 filled with injection lubricant. The device 30 acts as an adjustable run end and tightener of the track 28. Calibration means 32 adjusts the longitudinal position of a fixed shoulder 40 of the spring 42 with respect to the undercarriage structure 24. The tightener/shock absorber group includes a cylindrical telescopic guide 36 located coaxially with the spring 42 and lubricant injection chamber 34. The spring 42 and injection chamber 34 are separate and arranged in series on a common axis.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

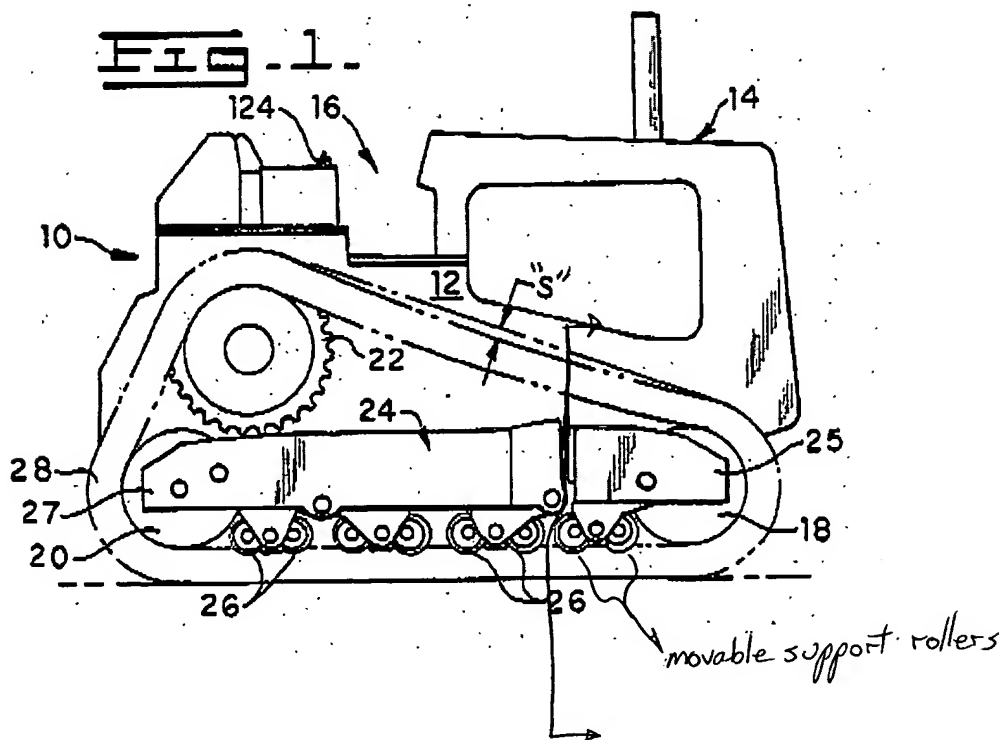
9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. Adams et al contains all of the limitations as set forth in paragraph 7 above, but does not specify that the movable supporting rollers of the second movable structure are arranged as a floating bogie. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the movable supporting rollers as a floating bogie arrangement as an equivalent mounting arrangement, in order to allow vertical and/or axial movement of the rollers with respect to the terrain over which the crawler traverses.

Response to Arguments

10. Applicant's arguments filed 22 December 2006 have been fully considered but they are not persuasive. The Applicant argues that reference sign "2C" can be found as the reference label for the top most illustration (namely Figure 2C). However, it should be noted that this was not what was being referred to in the previous office action.

Reference character "2c" referring to a lattice or box structure in line 7 of page 14 of the specification is not shown in the drawings.

The Applicant argues that Adams et al lacks a movable support roller that moves longitudinally with the idler wheel. As shown below, a set of supporting rollers is mounted with the idler wheel 18 on the first end portion 25. Therefore, these supporting rollers would be capable of following the longitudinal movement of the idler wheel 18, and the distance between the supporting rollers and the idler wheel 18 would be constant.



The Applicant further argues that the guide system structure 24 of Adams et al is not "box shaped", given that since the recoil assembly is a cylinder, the frame assembly 24 is a cylinder also. First, this does not necessarily have to be the case; since Figure 1 of Adams et al strongly suggests that the frame element 24 is a shape other than a

cylinder. However, regardless of whether the frame element 24 is a cylinder, it still meets the limitations of being "box shaped", since a box need not be a cube.

11. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the idler wheel finding immediate support from the movable supporting roller) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

First, it is unclear what is actually being argued. Second, the Applicant states the above limitation is set forth in the amended claims. However, this limitation does not appear to be present in the claims. Third, as best understood, the supporting rollers paired with the idler wheel shown in Adams et al provide the same support as those of the instant invention.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason R Bellinger
Primary Examiner
Art Unit 3617

